

Introduced by Senator Lowenthal

February 27, 2009

An act to amend and renumber Section 1760 of, to add a heading to Chapter 1 (commencing with Section 1720) of, and to add Chapter 2 (commencing with Section 1740) to, Part 2 of Division 6 of, the Harbors and Navigation Code, relating to ports.

LEGISLATIVE COUNSEL'S DIGEST

SB 632, as introduced, Lowenthal. Ports: congestion relief: air pollution mitigation.

(1) Existing law regulates the operation of ports and harbors.

This bill would require the Ports of Long Beach, Los Angeles, and Oakland, beginning January 1, 2010, to assess their infrastructure and air quality improvement needs, including, but not limited to, projects that improve the efficiency of the movement of cargo while reducing pollution associated with the movement of that cargo, and the replacement of trucks, cargo handling equipment, locomotives, and ships that move that cargo.

The bill would require each port to provide this assessment to the Legislature by July 1, 2010, and to include in the assessment the total costs of the infrastructure and air quality improvements and possible funding options for these projects.

By imposing these additional duties upon the ports this bill would establish a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Chapter 1 (commencing with
2 Section 1720) is added to Part 2 of Division 6 of the Harbors and
3 Navigation Code, immediately preceding Section 1720, to read:

4
5 CHAPTER 1. PORT FACILITY CONSTRUCTION
6

7 SEC. 2. Chapter 2 (commencing with Section 1740) is added
8 to Part 2 of Division 6 of the Harbors and Navigation Code, to
9 read:

10
11 CHAPTER 2. PORT CONGESTION RELIEF AND PORT MITIGATION
12 RELIEF
13

14 1740. The Legislature hereby finds and declares all of the
15 following:

16 (a) The Ports of Long Beach, Los Angeles, and Oakland operate
17 in unique communities, environments, and markets that require
18 infrastructure improvements and air pollution reduction measures
19 tailored to the nature and degree of need in each port of each
20 community.

21 (b) There is a need to mitigate the enormous burden imposed
22 on the highway transportation system serving the Ports of Long
23 Beach, Los Angeles, and Oakland by the overland movement of
24 container cargo shipped to and from those ports.

25 (c) The operations at the ports, including the movement of
26 locomotives, ships, and trucks that move cargo containers to and
27 from the ports, cause air pollution that requires mitigation. This
28 pollution contributes to the thousands of premature deaths and
29 billions of dollars of health costs each year attributable to goods
30 movement pollution in California.

31 1750. Beginning January 1, 2010, the Port of Long Beach shall
32 assess its infrastructure and air quality improvement needs
33 including, but not limited to, projects that improve the efficiency
34 of the movement of cargo while reducing pollution associated with
35 the movement of that cargo, and the replacement of the trucks,

1 cargo handling equipment, locomotives, and ships that move that
2 cargo. On or before July 1, 2010, the port shall provide this
3 assessment to the Legislature and shall include, but not be limited
4 to, an assessment of total costs of the infrastructure and air quality
5 improvements as well as all of the possible funding options for
6 those projects.

7 1760. Beginning January 1, 2010, the Port of Los Angeles shall
8 assess its infrastructure and air quality improvement needs
9 including, but not limited to, projects that improve the efficiency
10 of the movement of cargo while reducing pollution associated with
11 the movement of that cargo, and the replacement of the trucks,
12 cargo handling equipment, locomotives, and ships that move that
13 cargo. On or before July 1, 2010, the port shall provide this
14 assessment to the Legislature and shall include, but not be limited
15 to, an assessment of total costs of the infrastructure and air quality
16 improvements as well as all of the possible funding options for
17 those projects.

18 1770. Beginning January 1, 2010, the Port of Oakland shall
19 assess its infrastructure and air quality improvement needs
20 including, but not limited to, projects that improve the efficiency
21 of the movement of cargo while reducing pollution associated with
22 the movement of that cargo, and the replacement of the trucks,
23 cargo handling equipment, locomotives, and ships that move that
24 cargo. On or before July 1, 2010, the port shall provide this
25 assessment to the Legislature and shall include, but not be limited
26 to, an assessment of total costs of the infrastructure and air quality
27 improvements as well as all of the possible funding options for
28 those projects.

29 SEC. 3. Section 1760 of the Harbors and Navigation Code is
30 amended and renumbered to read:

31 ~~1760.~~

32 1730. (a) For purposes of this section, “council” means the
33 California Marine and Intermodal Transportation System Advisory
34 Council, a regional subunit of the Marine Transportation System
35 National Advisory Council chartered by the federal Secretary of
36 Transportation under the Federal Advisory Council Act ~~(P.L.~~
37 ~~92-463)~~ (*Public Law 92-463*).

38 (b) The council is requested to do all of the following:

39 (1) Meet, hold public hearings, and compile data on issues that
40 include, but need not be limited to, all of the following:

1 (A) The projected growth of each maritime port in the state.

2 (B) The costs and benefits of developing a coordinated state
3 program to obtain federal funding for maritime port growth,
4 security, and congestion relief.

5 (C) Impacts of maritime port growth on the state's transportation
6 system.

7 (D) Air pollution caused by movement of goods through the
8 state's maritime ports, and proposed methods of mitigating or
9 alleviating that pollution.

10 (E) Maritime port security, including, but not limited to, training,
11 readiness, certification of port personnel, exercise planning and
12 conduct, and critical marine transportation system infrastructure
13 protection.

14 (F) A statewide plan for continuing operation of maritime ports
15 in cooperation with the United States Coast Guard, the federal
16 Department of Homeland Security, the ~~Office of Emergency~~
17 ~~Services, the state Office of Homeland Security~~ *California*
18 *Emergency Management Agency*, and the California National
19 Guard, consistent with the state's emergency management system
20 and the national emergency management system, in the event of
21 a major incident or disruption of port operations in one or more
22 of the state's maritime ports.

23 (G) State marine transportation policy, legislation, and planning;
24 regional infrastructure project funding; competitiveness;
25 environmental impacts; port safety and security; and any other
26 matters affecting the marine transportation system of the United
27 States within, or affecting, the state.

28 (2) Identify all state agencies that are involved with the
29 development, planning, or coordination of maritime ports in the
30 state.

31 (3) Identify other states that have a statewide port master plan
32 and determine whether that plan has assisted those states in
33 improving their maritime ports.

34 (4) Compile all information obtained pursuant to paragraphs
35 (1) to (3), inclusive, and submit its findings in a report to the
36 Legislature not later than January 1, 2006. The report should
37 include, but need not be limited to, recommendations on methods
38 to better manage the growth of maritime ports and address the
39 environmental impacts of moving goods through those ports.

1 (c) The activities of the council pursuant to this section shall
2 not be funded with appropriations from the General Fund.
3 SEC. 4. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 a local agency or school district has the authority to levy service
6 charges, fees, or assessments sufficient to pay for the program or
7 level of service mandated by this act, within the meaning of Section
8 17556 of the Government Code.